

III. Remarks

Claims 1-17 are in the case. Claims 1-4 and 8 have been amended.

Drawings

The drawings stand objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in claims 8-17.

Applicant traverses this objection. The specification is complete and sufficient in itself in textually describing the invention. Any person skilled in the art would understand the interconnection of the described and claimed elements and would be capable of practicing the invention without the drawings required by the examiner. Notwithstanding the above, applicant recognizes that 37 CFR 1.83(c) permits the examiner to require drawings in instances where the subject matter admits of illustration by a drawing. For the purposes of providing a responsive amendment to the office action, applicant submits additional drawings numbered to showing the elements claimed in claims 8-17.

Each of these elements is described in the specification and/or claims and no new matter is being added. The drawings also stand objected to because some of the drawing captions are in the German language. The language has been translated into English where appropriate, thus obviating this ground for rejection.

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Claim Rejections - 35 USC § 112, second paragraph

Claim 3 stands rejected for failing to indicate the claim from which it depends. This claim has been amended to disclose its pendency on claim 1, thus obviating this ground for rejection.

Claim Rejections - 35 USC § 102

Claims 1-3, 5-8, and 13-17 stand rejected under 35 USC 102 as being anticipated by Barkenhagen, US 5,553,617. Barkenhagen discloses utilizing optical spectral measurement taken from a patient's eye. Applicant's amended claim 1 and all the claims dependent upon it are now limited to skin tissue based on the disclosure of example 1 in the specification. Barkenhagen does not disclose or suggest that his method is useful for taking optical spectral measurement other than those taken from a patient's eye.

Applicant believes that the amendment obviates this ground for rejection.

Claims 1-4, 6-12, and 17 stand rejected under 35 USC 102 as being anticipated by Berger et al. USP 5,615,673 which discloses the illumination of a subject with "laser radiation in the near-infrared range of the electromagnetic spectrum, detecting Raman-scattered light from the blood region in response to the laser radiation ..." [column 1, lines 63-66].

This is readily distinguishable from applicant's disclosure in that applicant utilizes light in the range of 200 - 400 nm while Raman spectroscopy utilizes light in the range of 7000 to 1300 nm [col. 2, lines 34-35]. As stated by Berger et al., Raman spectroscopy yields intensities typically

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one million time smaller than that of fluorescence. [col. 2, lines 11-13]. Furthermore, Raman spectroscopy is concerned with the detection of different substances than that of applicant.

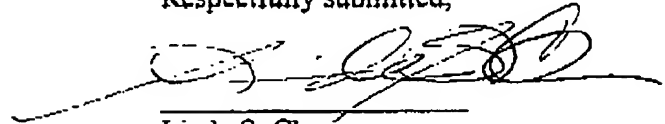
The final difference is that whereas fluorescence spectroscopy measures the intensity of elastically scattered photons, Raman spectroscopy measures the small fraction of photons that are inelastically scattered, based on the interaction of the photon with the electric dipole of the molecule.

Thus, the molecule being determined is different, the energy source used in the determination is different and the scientific principle is different.

Applicant therefore respectfully requests reconsideration of this ground for rejection.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted,



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Figure No.	Write in new English word, draw a line through German word in title
3.	DL-Methadone
5	Cocaine
7	Methadone D3
9	Street Heroin with Cocaine
11	Add "e" at end of word
13	Add "e" at end of word
14	Add "e" at end of word
15	Add "e" at end of word
16	Add "e" at end of word
17	Mean Value Spectrum
18	Weighted Non-Linear 2 nd Derivatives
19	Mean Value Spectrum
20	Mean Value Different Spectrum: THC
21	Mean Value Different Spectrum
23	Fluorescence Spectrum: Cocaine
24	Fluorescence Spectrum: LSD
25	Fluorescence Spectrum: 11 Hydroxy-THC
26	Fluorescence Spectrum: Heroin